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NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

IN RE APPLICATION OF:

BATES, James N., et al.

SERIAL NO:

09/879,710

FILED:

June 12, 2001

FOR:

S-METHYLCYSTEINE, S-ETHYLCYSTEINE, AND

RELATED S-ALKYTHIOLS AS ANTAGONISTS TO THE

EFFECTS OF S-NITROSOTHIOLS AND NITRIC OXIDE

Group Art Unit:

1654

Examiner:

MELLER, Michael V.

Attorney Docket No:

P04852US0

Commissioner for Patents
MAIL STOP AF
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated January 24, 2005 rejecting the following claims: 2-8 and 10.

Applicant is a small entity under 37 CFR 1.9 and 1.27. A statement of small entity status under 37 CFR 1.27 has already been filed in this application.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: March 4, 2005

PACSIMILE

☑ transmitted by facsimile to the Patent and Trademark Office, Art Unit 1654 at Fax No. (703) 872-9306

Edmund 1. Sease

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33/14/2005 TSUGGS

PAGE 2/3 * RCVD AT 3/4/2005 11:00:06 AM [Eastern Standard Time] * SVR:USPTO-EFXRF-1/1 * DNIS:8729306 * CSID:5152881338 * DURATION (mm-ss):01-02

The items checked below are appropriate:

- [X] Please charge Deposit Account No. 26-0084 the amount of \$250.00 for this Notice of Appeal.
- [] The Commissioner is hereby authorized to charge the extension fees to Deposit Account No. 26-0084.
- [X] The Commissioner is authorized to charge any underpayment or credit any overpayment or to Deposit Account No. 26-0084.
- [] A petition for an extension of time under 37 CFR 1.136(a) is enclosed.

Respectfully submitted,

EDMUND J. SEÁSE, Reg. No. 24,741 McKEE, VOORHEES & SEASE, P.L.C.

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Attorneys of Record

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